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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DAC

| entor: | HINDUS et al. | Examiner: | Erick J. Rekstad |
|------------------|-----------------------------|-------------------|------------------|
| Application No.: | 09/847,201 | Art Unit: | 2613 |
| Filed: | May 2, 2001 | Docket No.: | INT1P920C1 |
| Title: | VARIABLE BANDWII METHODS | OTH COMMUNICATION | ON SYSTEMS AND |

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in a prepaid envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on;

November 23, 2005.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

Sir:

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

| 1. | Petition Fee |
|--------|--|
| | ☐ Small Entity |
| | □ Large Entity □ |
| | Enclosed is Check No. <u>1996</u> in the amount of \$ <u>1,500.00</u> . |
| | ☐ Charge any additional fees or credit any overpayment to Deposit Account No. 50-0685, |
| (Order | No. <u>INT1P920C1</u>). |
| | |
| 2. | Reply and/or fee |
| | A. The reply and/or fee to the above-noted Office action in the form of a Response to |
| Office | Action date mailed September 8, 2004. |
| | has been filed. |
| | is enclosed herewith. |
| | ℓ |
| | B. The issue fee of \$ |
| | has been paid previously on |
| | is enclosed herewith. 11/29/2005 NNGUYEN1 00000014 09847201 |
| | 01 FC:1453 1500.00 DP |

Attorney Docket No. 09/847,201 Application No. INT1P920C1

| Terminal disclaimer with disclaimer fee |
|--|
| A terminal disclaimer (and disclaimer fee (37 CFR 1.20 (d)) of \$) disclaiming the required period of time is enclosed herewith. |
| 4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. The above-identified application became abandoned for failure to file a timely and proper reply to the Office Action mailed September 8, 2004. |
| Said action was mailed to Customer No. 25696 instead of to either (1) Lee Van Pelt, Esq., as requested in the Associate Power of Attorney & Change of Address received and entered April 4, 2002 (Attachment A - 1 pg.); or (2) Customer No. 21912 as requested in the Power of Attorney by Assignee and Revocation of Previous Powers received in OIPE on May 28, 2002 (Attachment B - 4 pgs.). |
| Applicant's representatives filed a change of address for their primary customer number, No. 21912, and mistakenly believed all currently active cases were associated with said customer number when in fact the present application was not. |
| Additionally, the prior Attorneys of Record received said office action on September 13, 2004 (Attachment C - 1 pg.), but failed to forward same to the undersigned until by correspondence dated July 26, 2005 (Attachment D - 1 pg.). |
| Enclosures: Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay. Other: |
| Respectfully submitted, |
| Lee Van Pelt Reg. No. 38,352 VAN PELT, YI & JAMES LLP 10050 N. Footbill Plud. Suite 200 |
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